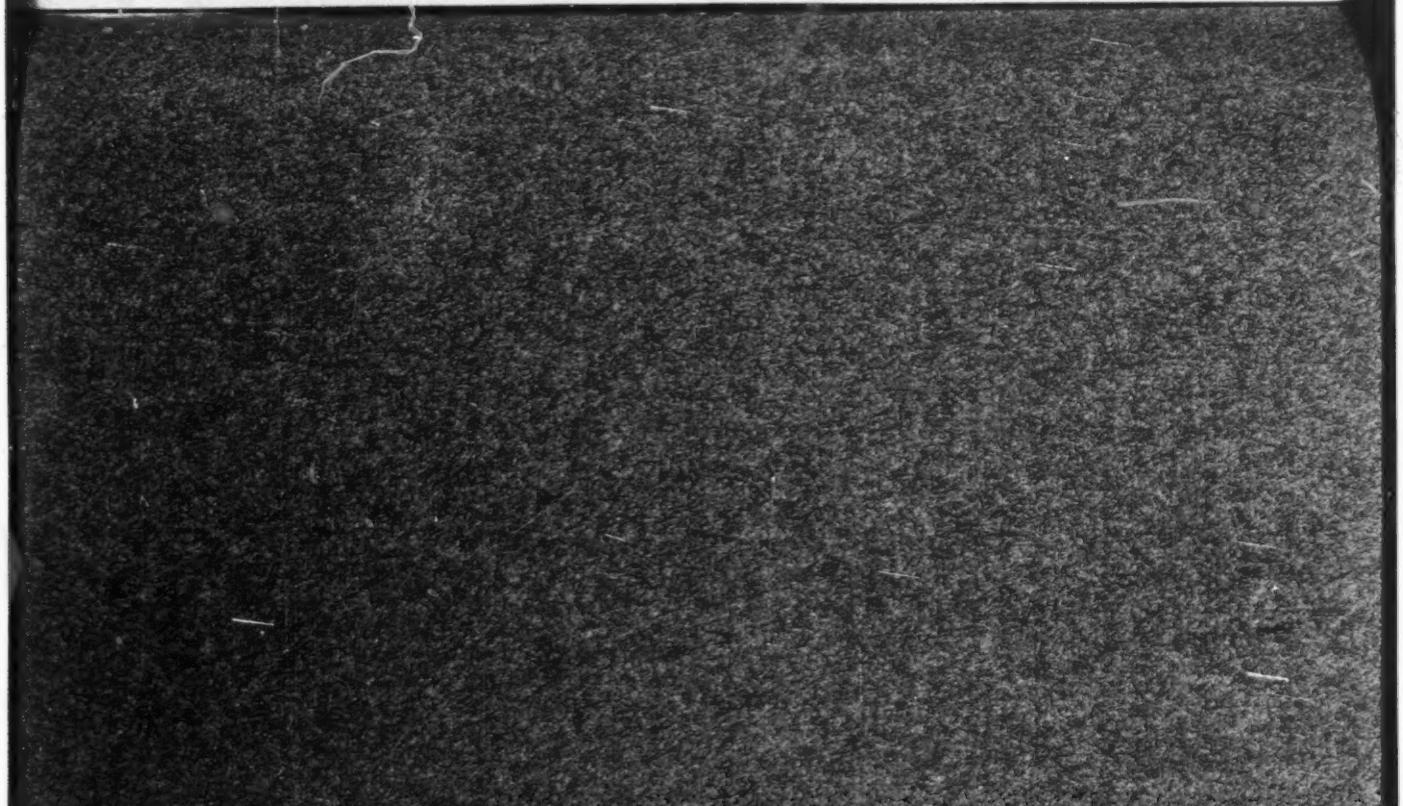

IN THE

Supreme Court of the United States.

OCTOBER TERM, A. D. 1901.

J. L. HOWARD, A. L. DALEY and H. D. HAWLEY, *Plaintiffs in Error,* *vs.* **THE STATE OF NORTH CAROLINA,** *Defendant in Error.*	No. Error to Supreme Court of North Carolina.
J. L. HOWARD, A. L. DALEY and H. D. HAWLEY, *Appellants,* *vs.* **J. H. FLEMING, Warden, etc.,** *Appellee.*	No. Appeal from Circuit Court of the United States, Eastern District of North Carolina.

MOTION TO ADVANCE CAUSES.

Come now the plaintiffs in error and appellants in the above entitled cause by Frank P. Blair and Leslie A. Gilmore, their attorneys, and respectfully move this honorable court to advance the hearing in said causes and set the same down for argument at as early a date as may be convenient to the court; and for grounds for said motion assign the following:

That said plaintiffs in error and appellants were tried at a June Superior Court 1901 of Guilford County, North Carolina, for an alleged conspiracy, and sentenced: Howard and Daley to a term of ten years in the penitentiary and Hawley to a term of seven years in the penitentiary.

That thereafter said cause was appealed to the Supreme

Court of North Carolina, where the judgment of the Superior Court was affirmed by a divided court—three judges for affirmation and two for reversal.

That afterwards a writ of *habeas corpus* was sued out before the United States Circuit Court for the Eastern District of North Carolina, which application was granted but afterwards upon argument the petitioners were remanded, and an appeal from said order was prayed and allowed. At the same time the writ of error in the original case was allowed by the Chief Justice of the Supreme Court of North Carolina; both of such records are now in this court.

Petitioners are advised by counsel, and so being aver that the said trial and conviction by the said Superior Court of Guilford County, North Carolina, was in violation of the Fourteenth Amendment of the Constitution of the United States in this, that same was without due process of law, and that they were sentenced in violation of that provision guaranteeing all citizens of the United States equal protection of the laws of each state; all of which fully appears in the record in said causes now in this court.

This application to advance the causes is in favor of the liberty of the citizen, and it is respectfully urged that the same be granted.

All of which is respectfully submitted.

J. L. Howard,
A. L. Daley,
H. D. Hawley,
By Frank P. Blair and
Leslie A. Gilmore,
Their Attorneys.

Frank P. Blair,
Leslie A. Gilmore,
Attys. for Ptfs.

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